



Legislative Briefing

Attorney General's Office Recovers Big

Every day the Attorney General's Office works to collect money the State is owed and to recover damages from companies and individuals who have violated state law. These efforts bring in millions of dollars every year. Some examples:

- Since January of 2000, the Commercial Enforcement Division has brought in \$605,000 to the general fund and \$570,000 to state agencies. Almost \$2 million in criminal restitution has been collected during that time.
- Last fiscal year the Education Division collected \$7 million on delinquent student loan accounts for the Utah Higher Education Assistance Authority, while University Hospital collections were \$3.4 million.
- The Tax and Revenue Division collected \$43 million in state tax dollars last fiscal year. So far this fiscal year, the division has collected \$1.3 million in state tax dollars. The division also handles a lot of property tax cases on behalf of counties. Last year division attorneys resolved cases involving \$74.5 million property tax dollars in dispute. This fiscal year, the division has resolved cases involving \$5.2 million property tax dollars. Bankruptcy collections so far this fiscal year total \$360,000.
- Since July of 2000, the efforts of the Environment Division have brought in \$700,000 in enforcement cases where the State was awarded penalties, \$300,000 in cost recovery on underground storage tanks, and \$250,000 in enforcement cases where the State benefited by supplemental environmental projects.

AG's Office Slashes ACLU Fees

Assistant Attorney General Dan Larsen saved taxpayers \$270,000 by successfully whittling down legal fees requested by the American Civil Liberties Union. The ACLU wanted \$297,250 for attorney fees in the lawsuit between the East High School Gay-Straight Alliance and the Salt Lake City School District. Larsen recommended 10 percent of that amount. The judge agreed and awarded only \$29,725.

State Seeks to End Judicial Oversight of DCFS

Today the Utah Attorney General's Office filed a Motion to Dismiss in *David C. v. Leavitt*, seeking to end judicial oversight of the Division of Child and Family Services.

A recent 10th Circuit Court opinion (*Joseph A. v. Ingram*) supports the State's argument that it is entitled to sovereign immunity. In light of this opinion, the State is asking to Court to dismiss the case.

Bridgestone/Firestone to Pay Utah \$500,000

The Utah Attorney General's Office helped negotiate a nationwide settlement with Bridgestone/Firestone, Inc. that will bring \$500,000 to the State general fund. Utah, along with 52 other jurisdictions, filed lawsuits against the tire manufacturer for allegedly selling defective tires and making misrepresentations during tire recalls.

"This was a great way to protect consumers and help taxpayers at the same time," said Scott Reed, Chief of the Attorney General's Commercial Enforcement Division. "It is another example of how a few lawyers in the Attorney General's Office can bring a lot of money to

Fraud Settlement Brings \$446,000 to Utah

A check for nearly a half-million dollars is on its way to Utah to settle fraud charges against HCA-The Healthcare Company. The Medicaid Fraud Control Unit and the Utah Attorney General's Office helped in the investigation that led to the largest government fraud settlement ever.

Under the national settlement, the for-profit hospital chain agreed to pay \$840 million in criminal fines, civil penalties and damages last December for alleged false billing practices. HCA will pay \$1,383,507 to settle both federal and state claims for Utah. A check for \$446,279 is being sent directly to Utah to cover the state's share of Medicaid restitution, penalties and

Utah Rejects Microsoft Settlement

Attorney General Shurtleff rejected the settlement between Microsoft and the federal government. He will now work with other attorneys general on an alternative remedy for the court and explain the reasons why further restrictions on Microsoft's conduct are necessary.

"We do not want to break up Microsoft," said Shurtleff. "We want to do what is best for Utah consumers and businesses and guarantee fair competition and a free market. The courts have ruled Microsoft violated antitrust laws. By law, any remedy must stop illegal behavior and restore competition. This agreement does neither."

Legislative Issues for the AG's Office

- In the wake of September 11th, the Attorney General's Office is taking a hard look at the current statutes on terrorism. What was once considered impossible now seems all too possible. Right now the laws do not address many of the issues we face today. We look forward to working with the Legislature on amendments that will better protect the citizens of Utah.
- Under the direction of the Legislature, Pornography and Obscenity Complaints Ombudsman Paula Houston has drafted a nuisance statute. The bill declares existing obscenity violations a nuisance and subject to the same nuisance procedures used for drug houses. The bill also adds unsolicited electronic mail containing sexually oriented material to the list of public

Internet Safety Tour Reaches Thousands

The Attorney General's Internet Safety Tour wrapped up on November 8 and the numbers are in: almost 18,000 school children and 1,000 adults learned about online dangers and the importance of establishing rules for Internet use. The tour included visits to more than 40 elementary and junior high schools and has generated requests for presentations from several other schools.

If you would like to arrange a presentation for a school or community group, please call the Internet Crimes Against Children Task Force at (801) 579-4521.

Colleagues Commend AG for Protecting Utahns' Rights

A letter from attorneys general of nine western states appeared in the Salt Lake Tribune October 31, commending the Utah Attorney General for taking a stand against discrimination on behalf of three Utah residents of Arab descent who were prevented from boarding an airplane. As attorneys general, they said they took an oath to uphold the law and "Mark Shurtleff upheld his oath to protect

Second Census Suit Goes to US Supreme Court

The Attorney General's Office will take Utah's census lawsuit to the United States Supreme Court after a split ruling by a three-judge panel determined the Census Bureau did not use illegal sampling methods in the 2000 census.

Utah argued that the Census Bureau used phantom residents, bogus neighborhoods and make-believe numbers in the 2000 count. In a dissenting opinion, Judge Thomas Greene wrote that the Bureau did use a "form of sampling."

All three judges rejected North Carolina's argument that it was too late to seek a remedy over the census count.

Utah will appeal both of its census lawsuits to the US Supreme Court. Earlier this year a different three-judge panel rejected Utah's argument that it was unconstitutional for the Bureau to count federal employees who are outside the country while refusing to count American missionaries living overseas.

Drug Free Workplace Program Saves Lives

At the Statewide Drug Free Workplace Conference, Attorney General Shurtleff encouraged companies to find out how the Drug Free Workplace Program can not only help employees overcome substance abuse problems, but can result in big savings for the State.

The abuse of alcohol and other substances costs Utah \$2 million in lost productivity, accidents, and higher insurance premiums. Shurtleff praised the program for its success rate. Two-thirds of all employees in the program stop abusing drugs and alcohol.

Businesses also benefit from the program. Owners can simply multiply the number of employees by \$700 to estimate the annual

The Attorney General's Office represents the State in thousands of cases each year. If you need information on any matter being handled by our office, please call Ryan Mecham at 538-1948 or Attorney General Mark Shurtleff at 538-1191. Thank you.